

Rule 26, Ariz. R. Crim. P. – Sentencing

RESTITUTION: Restitution and civil remedies.....Revised 3/2010

A victim cannot recover damages that fall outside the definition of “economic loss” through the criminal justice system. *See, e.g., State v. Lewis*, 222 Ariz. 321, ¶ 7, 214 P.3d 409, 412 (App. 2009); *see also* A.R.S. §§ 13-603(A) and (C), 13-804. The victim may, however, pursue a civil action against the defendant for any additional damages. A.R.S. § 13-807 provides:

A defendant convicted in a criminal proceeding is precluded from subsequently denying in any civil proceeding brought by the victim or this state against the criminal defendant the essential allegations of the criminal offense of which he was adjudged guilty, including judgments of guilt resulting from no contest pleas. An order of restitution in favor of a person does not preclude that person from bringing a separate civil action and proving in that action damages in excess of the amount of the restitution order.

Note that this statute prohibits a defendant who has been found guilty of an offense from denying the “essential allegations of the criminal offense” in a civil suit brought by the victim, even if the defendant was found guilty based on a “no contest” plea.